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C O N F I D E N T I A L SECTION 01 OF 02 RABAT 002286

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SUBJECT: MOROCCO'S NEW POLLING LAW - A STEP BACKWARDS?

REF: A. RABAT 308

[B](#). RABAT 1481

[C](#). RABAT 1483

Classified by Political Counselor Craig Karp for reasons 1.4
(b) and (d).

[1](#). (C) Summary: The Government of Morocco (GOM) is considering a new law that would for the first time formally regulate polling and public opinion research. A copy of the draft bill obtained by the Embassy imposes a requirement that all public opinion polls be vetted and approved in advance by a government committee. The bill also establishes three off-limits issues for polling: religion, "territorial integrity" (read Western Sahara), and the monarchy. If the final version of the bill adheres to the general contours of the draft, this will be a set-back for freedom of expression and political openness. The Embassy is flagging its concerns about this potential step backwards with senior GOM officials. End Summary.

[2](#). (C) Until now, public opinion research has never been formally regulated in Morocco. In the past, groups and organizations conducting polling have exercised a significant degree of self-censorship, generally avoiding, but sometimes gently nudging, red-line issues. Pollsters have also commonly sought approval from the Ministry of Interior (MOI) before conducting polls on potentially sensitive issues to cover themselves, even in the absence of a legal requirement that they do so.

[3](#). (C) However, draft law 60/2006, a copy of which has been obtained by the Embassy, would impose formal legal restrictions on the conduct of public opinion research. The most significant provision of the bill is the establishment of a governmental Opinion Polls Commission (OPC), chaired by a cabinet minister (the Secretary-General of the Government), which includes representatives of the Prime Minister, the Ministries of Interior, Justice, Industry and Trade, and Information, and other (still unidentified) experts. If the bill passes as drafted, any group or organization seeking to conduct polling would need to apply to the OPC in advance for permission.

[4](#). (C) In addition, the bill establishes three off-limits issues for polling: religion, "territorial integrity" (read Western Sahara), and the monarchy. The motto "God, Country, and King," posted at government installations across the country, forms a sort of sacred trinity in Moroccan official discourse. The bill also establishes a 15-day blackout period before elections in which political polling data may not be published or discussed in the media. The draft establishes a penalty of up to one year in jail and/or a fine of up to 500,000 dirhams (about USD 59,000) for violators of the law.

[5](#). (C) The bill has struck a sour note with contacts in

Moroccan civil society, and particularly in journalist quarters, with fears expressed about the implications of the bill for political openness. In a December 15 conversation with us, Abdullah Ben Abdelsalam, Vice President of the Moroccan Association of Human Rights, ridiculed the GOM's assertion that the new polling law would "protect the dignity of the elections process." "No one has ever questioned the 'dignity' of the many interest-driven claims politicians make about that the public thinks and wants.... It seems as if free public opinion research is a challenge to the monopoly of others to define public opinion," he told us.

¶6. (C) Similarly, Younes Moujahid of the Moroccan Press Union told us "the banning or undue obstruction of public opinion violates too many rights. Restrictions on polls prohibit (assessments of) public opinion," a central pillar of democracy, he argued. Moroccan journalist Abdelrahim Ariri predicted to us that the GOM would only permit polls conducted by pollsters loyal to the state, and journalist Driss Ksikes vowed to us that he would "not accept" the new law as currently drafted, opining that it would impose new redlines on Moroccan media.

¶7. (C) GOM officials and observers note that the law is modeled on a 1977 French law with similar outlines, while at the same time conceding that the Moroccan draft is more sweeping in scope. The French Press Attache, in a recent conversation with the IO, confirmed this point, but described the draft as a shot across the bow of Morocco's more aggressive journalists and predicted that, at the end of the day, the law would not move to final passage.

¶8. (C) Comment: The proximity of parliamentary elections, which will be staged sometime before October 2007, was likely a major consideration for the GOM in crafting this bill. The

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GOM may have also been prompted in part by the controversial poll conducted by the International Republican Institute (IRI) and leaked to the media in the summer of 2006, which showed public support for the Islamist Justice and Development Party at 47 percent, far ahead of any of the parties which form the governing coalition. IRI's poll was misinterpreted by many observers, including media commentators, who mistook it (disingenuously in some cases) as a USG endorsement of the Islamist party or an unwarranted USG incursion into Moroccan politics.

¶9. (C) If the bill, drafted by the MOI, remains largely intact after parliamentary debate, it will represent a step backward in Morocco's political reform process, shackling or at least constraining reliable assessments of public opinion at a key moment in Morocco's political calendar. While some regulation of polling may be appropriate in Morocco or any country, an overly restrictive law, with draconian penalties, would not be in keeping with the GOM's laudable efforts in recent years to open up the political system. The Charge flagged our concerns about the bill in a December 18 meeting with the Prime Minister (septel) and we will be taking other opportunities in the near future to raise the issue with other senior GOM officials. End Comment.

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